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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,660	06/13/2000	Neil W. Black	03797.86776	7450

28319 7590 04/09/2003

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EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,660

Applicant(s)

BLACK ET AL.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The specification is objected to because the specification contains hyperlinks (pages 2 and 8). Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 17-18, 28-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallman (U.S. Patent No. 6,360,210).

As per claim 1, Wallman teaches a computer-implemented method for creating a portfolio comprising specifying issues to be added to the portfolio (col. 6, lines 14-28), selecting one of a plurality of options for creating the portfolio (col. 6, lines 47-51), and creating the portfolio based on the selection of one of the plurality of options.

As per claim 2, Wallman teaches a mean to allocate a number of shares or each issue (col. 6, lines 16-17).

As per claims 17 and 18, the claims contain features addressed in claims 1 and 2, and therefore, are rejected under the same rationale.

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As per claims 28 and 29, Wallman teaches a user input or receiving a designation of issues and for receiving a designation of an option of creating the portfolio selected from a plurality of options. Wallman also includes a mean for receiving a price associated with the option with each of the issues (col. 10, lines 55-61) and a processor in processing the information (col. 6, line 21).

As per claim 30, Wallman teaches a computer read medium having a program for creating a portfolio comprising specifying issues to be added to the portfolio, specifying the closing date for the issues (col. 6, lines 30-31), receiving prices for the specified issue (col. 6, line 34), and a memory storing the portfolio and the information regarding the portfolio (col. 15, line 6).

As per claims 31 and 32, Wallman teaches a client-server application for transferring the information between the user(s) and server and a memory; therefore, it is inherent to understand that the system, as taught by Wallman, includes a mean for storing information on both client and server computer.

As per claims 33-37, the claims contain features addressed in the claims 28-32, and therefore, are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-16, 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman.

As per claims 3-5, Wallman has all the features of the invention but fails to mention the number of shares is and/or not constant for each issue. However, Wallman teaches a mean to input the number of shares for each issue. The number of shares can remain constant or each issue or it can be fluctuate (more or less) for each issue based on the market analysis (weighing factor). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have the number of shares remains constant or not remain constant depending upon the input of the user and also depending upon the market analysis.

As per claims 6 and 7, Wallman has all the features of the invention but fails to teach a mean to select an option to allocate an equal amount and/or total amount for purchase of each issue. However, Wallman teaches a mean to select an option from list of multiple options that are available for the user and a mean to allocate (i.e. shares, assets/liabilities and etc.) for the purchase of each issue. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of Wallman et al to teach a mean to select an option to allocate an equal amount and/or total amount for purchase of each issue so that the user can maximize his or her investment portfolio.

As per claims 8-9, the claims contain features addressed in claims 3-5, and therefore, are rejected under the same rational.

As per claim 11, Wallman teaches a mean for a user to select the specific amount of protection desired which could be selected through clicking on a point on a chart showing available options after selecting the general parameters such as shield for five years as opposed to a shield for seven years (col. 11, lines 48-52). Therefore it would have been obvious to one skilled artisan in the art to realize that Wallman teaches a mean to select a date and the duration of time of which the option has been selected.

As per claims 12 and 13, Wallman teaches a graphical user interface (col. 6, line 14) that allows user to input information and to view and select the options that are available to the users (as mentioned in the above paragraphs). Wallman does not mention explicitly a first and a second display portion. It would have been obvious to one skilled artisan in the art to modify the teachings of Wallman to have multiple display options so that the user can provide inputs and also view and select the right option for his or her portfolio.

As per claims 14-16, the claims contain features addressed in the claims 3-7 and 11-13, and therefore, are rejected under the same rational. In addition, Wallman teaches an amount to be used to acquire the assets (col. 9, lines 19-20). Furthermore, it would have been obvious to one skilled artisan in the art to add a third display portion for the users to view the specified date upon which the price of each issue is determined.

As per claims 19-27, the claims contain features addressed in the claims 3-7 and 11-13, and therefore, are rejected under the same rational.

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Conclusion

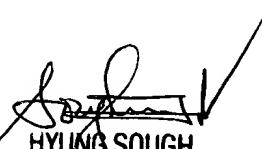
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dembo, Giansante et al., and O'Shaughnessy are cited of general interest.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.
April 3, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600